

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JERRY HERING, Individually and on
Behalf of All Others Similarly
Situating,

Plaintiff,

v.

RITE AID CORPORATION, *et al.*,

Defendants.

1:15-cv-2440-JEJ

(Hon. John E. Jones III)

**THE WALGREENS DEFENDANTS' MOTION
FOR JUDGMENT ON THE PLEADINGS UNDER RULE 12(c)**

Defendants Walgreens Boots Alliance, Inc., Stefano Pessina, and George R. Fairweather (the "Walgreens Defendants") move under Federal Rule of Civil Procedure 12(c), on the grounds set forth in their brief filed with this motion, for an order granting them judgment on the pleadings and dismissing the First Amended Direct Shareholder Class Action Complaint (Doc. 83). A proposed order is attached.

Dated: August 24, 2018

s/ Jonathan D. Polkes
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Attorneys for Defendants Walgreens
Boots Alliance, Inc., Stefano Pessina,
and George R. Fairweather

CERTIFICATE OF NONCONCURRENCE

Pursuant to Local Rule 7.1, I certify that I have sought concurrence in this motion from plaintiff and that plaintiff denied such concurrence. Specifically, my firm informed counsel for plaintiff that the Walgreens Defendants intended to move to dismiss for lack of standing if plaintiff's counsel refused to add a plaintiff with standing before the parties submitted a proposed case management schedule. In response, despite having previously acknowledged their client's lack of standing, plaintiff's counsel insisted that the parties negotiate a case management schedule without resolving the standing issue, and stated that they intend to include additional class representatives at an unspecified later date and that any motion to dismiss would fail.

Dated: August 24, 2018

s/ Jonathan D. Polkes
Jonathan D. Polkes

CERTIFICATE OF SERVICE

I certify that on August 24, 2018, the foregoing was filed with the Clerk of the Court for service on all counsel of record via the CM/ECF system.

Dated: August 24, 2018

s/ Jonathan D. Polkes

Jonathan D. Polkes